REMARKS/ARGUMENTS

No claims have been amended, added, or canceled.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 1-17, 19-49, 51, 52 and 71-78 under 35 U.S.C. §

103(a) as being unpatentable over U.S. Patent 6,167,248 (hereinafter

"Hamalainen") in view of U.S. Patent 6,763,062 (hereinafter "Kohno").

Hamalainen first discloses a TDMA radio telephone system that

establishes channels between base stations and remote terminals by conventional

means (See col. 1 lines 17-39 and fig. 1). The conventional method for

establishing such a channel requires a considerable amount of signaling (See col.

2 lines 30, 37) between the remote terminal and the base station. This signaling

includes functions such as the sending of control channel requests, assignment of

channels, authentication checks, and installation of an encrypting mode, among

others (See col. 1 lines 65-67).

Hamalainen improves on the conventional method of channel

establishment by further disclosing a method of establishing a channel using

parameters stored in the remote terminal and base station, rather than

establishing a channel by the conventional method described above (See col. 2

lines 64-67 and col. 3 lines 1-9). Hamalainen also describes a Random Access

Channel (RACH), which is a control channel shared by multiple remote terminals and which can be used to request the establishment of a data channel using stored parameters. The Access Grant Channel (AGCH) described by Hamalainen carries signals sent in response to signals received on the RACH.

Kohno first discloses a radio communication system having an array of antenna elements that applies a smart antenna processing strategy to the antenna elements to achieve directionality of transmission and reception (See col. 1 lines 12-49). This system, as described by Kohno, adapts to changes in the electromagnetic wave propagation environment by recalculating its smart antenna processing strategy at regular intervals (See col. 2 lines 19-26).

Kohno further discloses an improvement upon this system achieved by the recalculation of spatial weights in response to the detection of various changes in the electromagnetic wave propagation environment (See col. 3 lines 10-37). The Kohno system uses the most recent received signals to determine its smart antenna processing strategy, then transmits downlink data using the determined strategy (See col. 4 line 47-col. 6 line 33 and col. 10 lines 3-52).

In contrast to Hamalainen and Kohno, Claim 1 of the present invention requires "providing an associated channel for the first communication device to receive an uplink response signal from the remote communication device in response to the downlink data" and "determining a downlink smart antenna

processing strategy using the received uplink response signal" Claims 21, 33, and 71 also incorporate similar language to this effect. These elements of the present invention are described on page 5, lines 4-6 and 18-20 of the present Application.

MPEP § 2143 states that to establish a prima facie case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." By this standard, a prima facie case of obviousness is not established regarding Claims 1, 21, 33 and 71 of the present invention, since the cited prior art does not teach, among other things, the claim limitation of "determining a downlink smart antenna processing strategy using the received uplink response signal". Hamalainen only mentions the use of channels associated with data channels (See col. 16 line 65 - col. 17 line 2) but does not suggest that such a channel can be used to determine a smart antenna processing strategy.

Furthermore, Kohno only mentions the use of received signals to determine a smart antenna processing strategy (See col. 17 lines 28-36). Kohno does not suggest that the smart antenna processing strategy can be determined from a response signal received on an associated channel in response to downlink data. Since neither Hamalainen nor Kohno suggests that a response signal received on an associated channel can be used to determine a smart

antenna processing strategy, elements of Claims 1, 21, 33, and 71 are not taught

by the cited prior art.

Since the prior art does not teach all elements of claims 1, 21, 33, and 71 of

the present invention, a prima facie case of obviousness has not been established

regarding these claims. Therefore, these claims are allowable over the cited art.

Dependent claims 2-17 and 19-20 add further limitations to allowable

independent claim 1, dependent claims 22-32 add further limitations to allowable

independent claim 21, dependent claims 34-49, 51, and 52 add further limitations

to allowable independent claim 33, and dependent claims 72-78 add further

limitations to allowable independent claim 71. These dependent claims are thus

allowable under 35 U.S.C. § 103(a). Therefore, the claims remaining in the

Application should now be allowed.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 18 and 50 under 35 U.S.C. § 103(a) as being

unpatentable over U.S. Patent 6,167,248 (hereinafter "Hamalainen") in view of

U.S. Patent 6,763,062 (hereinafter "Kohno") as applied to claims 14 and 46 above,

and further in view of Japan Patent JP 20000031896 (hereinafter "Speight").

For the reasons given above, claims 1 and 33 are allowable over

Hamalainen in view of Kohno.

Examiner does not purport to show that Speight teaches the element expressed in claims 1 and 33 of "determining a downlink smart antenna processing strategy using the received uplink response signal", where the uplink response signal is a signal received on an associated channel in response to downlink data. Speight only teaches the use of a training sequence, not an uplink response signal, to determine a smart antenna processing strategy.

Since the above described element is not taught by Hamalainen, Kohno, or Speight, Claims 1 and 33 are allowable over Hamalainen, Kohno, and Speight. Since claim 18 adds further limitations to claim 1 and claim 50 adds further limitations to claim 33, claims 18 and 50 are therefore allowable.
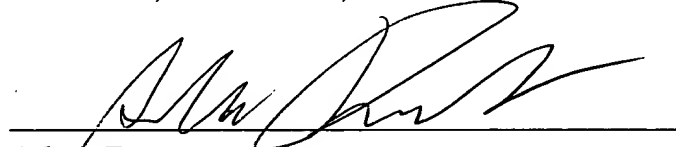
CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Adam Furst at (408) 947-8200.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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